IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.1089 OF 2004

IN

SUIT NO.1805 OF 2001

...

1.Mrs.Vaishali Keyur Shah
and ors. ...Plaintiffs

v/s

1.Mr.Hasmukhlal Harilal Doshi
and another ...Defendants

And

The Kapol Co-operative Bank
Ltd. ...Applicant

...

Mr.L.H. Patil for the Plaintiffs.
Mr.Y.R. Naik for the Applicant in support of Notice of Motion.

...

CORAM: D.K.DESHMUKH, J.

DATED: 14TH JANUARY,2005

P.C.:

1. This Notice of Motion is taken out by the Kapol Co.op. Bank Ltd. for setting aside consent decree passed in Suit No.1805 of 2001. The Applicant/bank admittedly was neither party to the Suit No.1889 of 2001 nor it was the party to the consent terms dated 22-5-2001 filed in that suit. Decree in that suit has been passed on the basis of the consent terms dated 22-5-2001. As the Applicant/bank was not party to the suit as also was not party to the consent terms dated 22-5-2001, the decree passed on the basis of the consent terms is not binding on the Applicant. Therefore, the Applicant has no locus-standi to take out this Notice of Motion for setting aside the consent decree.

2. Notice of Motion disposed of.

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